

A N
EXPEDIENT
Propos'd:

Or, The Occasions of the late Controversie in

CONVOCATION
Consider'd,

And a Method of Adjournments pointed out consistent
with the Claims of both Houses,

Whereby

All Disputes in that matter may for the
future be avoided.

I N A
LETTER
T O T H E

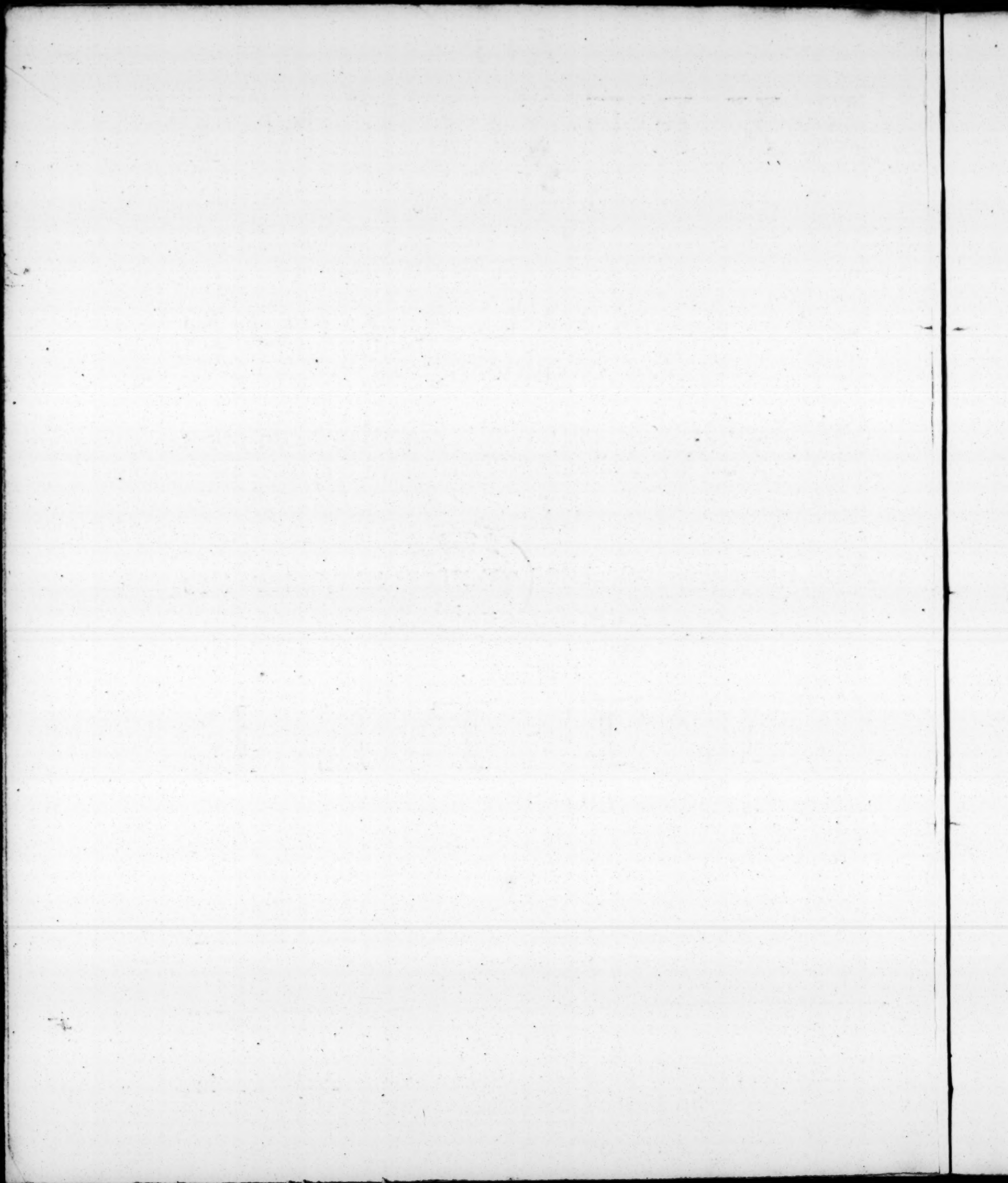
Author of a Late Book Entitled, *The Right of the Archbishop to
Continue and Prorogue the whole Convocation asserted, &c.*

With some Queries put to the Author in Relation to his Book.

By a Country-Divine.

L O N D O N,

Printed by T. Warren for Thomas Bennet at the *Half-Moon* in
St. Paul's Church-Yard, 1701.



A N E X P E D I E N T, &c.

S I R,

L Ast Summer we receiv'd a Sheet of Paper sent, as if written from one Friend to another, and so industriously distributed, that it is not believ'd, a Clergy-Man in the Kingdom was over-lookt, on whom there could be the least hopes of its having the wish'd effect; In the mean while it was carefully kept from others, for a considerable time, in hopes to delay an Answer. But as you could not expect it should long escape the sight of those who knew what to say to it, so accordingly we had the satisfaction of seeing it answer'd; We were very quickly convinc'd, that notwithstanding the endeavours you tell us you had us'd to be fully inform'd of the Case, you were egregiously misled by those whom you trusted for an impartial account of things, and by that means had fill'd your Paper with misrepresentations and mistakes in point of fact; and by building on a bad foundation, you are much wanting to your self and to your Reader in point of argument; this we were told, and this we were the more confirm'd in the belief of, when the Narrative of the Proceedings in Convocation came forth; which having been drawn up by order of the House, and twice read to such a venerable Body of Men, and approv'd, carries too much of Authority along with it, as to matter of fact, to admit of any dispute; and can need no other Voucher than the Journals of the House, which you, or any one else, may see, and peruse at anytime, and compare with the relation that is given to the World of the whole Proceeding.

Whilst you are pleas'd to conceal your Name, it looks somewhat surprising that you should expect to be credited by the generality of the Clergy, in opposing, or de-

nying whatever their Representatives have in so authentick a manner vouch'd to be true; and therefore you must excuse me if I tell you, that your second Letter (as it is called, but is in truth a very long Book) must needs be read with dislike, and cannot but lye under very great disadvantage; especially considering with what a sort of triumph you seem to carry all before you, taking things for granted, that any one may easily see through by the help only of those Papers which you would be thought to Answer, but do not, as will be shewn in due time. You have indeed by the length of the Book, and the Variety of Matter crowded into it, taken effectual care not to have a full answer in hast; but at the same time, the length of this Reply of yours to three Sheets of Paper, is of it self a full Vindication of the Lower House, in declining a Paper Combate with the Upper; rather chusing, what by ancient Registers, as well as a late Precedent in 1689, they knew to have been more usual as well as more decent and expeditious, and that is a free conference. Not but that they did at first in Obedience to the Archbishop, return an Answer in writing to the two Questions sent them. And in that Answer drawn up by a very full Committee, they referr'd to their proofs; but when a report of half a Sheet had produced an answer of four or five Sheets from their Lordships, and consequently, a Reply thereto must have requir'd at least as many; they had reason to think, they could not by this method within a few Weeks, nor indeed in many Months, bring a Question of so intricate a Nature, to any thing like a decision; It being very plain by this Book of yours, and what you seem to promise, that there is

matter enough for as many Volumns, as there are Members in the Lower House, that have Pens in their hands.

But to go on at this rate; is to trifle with the World; it is to weary our Readers with things which lie out of most Peoples way, and at the same time to drop the main question of all which is, whether or no the L. Clergy of this Kingdom, have a right to be call'd to Convocation, and there to sit, and represent their grievances.

Now since you have been pleas'd to engage your Pen in this controversy, and cannot but be sensible of the ill effects it may have; I most earnestly desire, you would join with me, and with all those that desire Unity in the establish'd Church, in a sincere endeavour to close this breach, instead of widening it.

It happens that the Convocation, that hath had this great dispute, is dissolv'd, and another is call'd; now therefore is the time, to propose means of accomodation, and to put things into such a method, as to prevent the like for the future; and to attempt something of this nature, is the design of the following Sheets; which when they fall into your hands, I hope you will introduce with advantage, where there is most power to give them their desired effect.

Now what I propose, is first to consider the chief Occasions of the late Controversy, and whence it sprang; and then to endeavour to point out, what sort of expedient, in all Likelihood would prevent the like in any future Convocation; and yet so as that neither side be obliged to acknowledge themselves to have been in the wrong; the Archbishop, as President, not to depart from any sort of Privilege, or Ecclesiastical Prerogative, which he hath Anciently enjoy'd; nor the L. House to submit to such methods, as in effect thereby to give up their claim to Convocational meetings; or to yield to such pretensions, which must of course render them precarious, and altogether at the pleasure of the Archbishop.

First, as to the Occasions of the late Controversies, and by what steps it grew to the height it is come to.

Perhaps there is no one Church through-

out the Christian World more remarkable for Unity, and a good Correspondence between it's Members, than was the Church of England as by Law Establish'd, from the time of it's first throwing out the superstition and corruption of Popery, to it's second deliverance from Romish Tyranny and oppression, which for a while she groan'd under in the late Reign: and ever since, as well as before, it must be acknowledg'd, that the Nobility and Gentry for their part, and the generality of such as own themselves to be of the Church, have shown a hearty Zeal for its support; but by some means or other, it hath so come to pass, that the Clergy have fallen out amongst themselves, and from little Misunderstandings at first, seem at last to be in danger of breaking out into a Flame; And Whereas divisions in the Church us'd always to be heal'd by Synodical Assemblies and Councils; things have been so managed by the Under-hand fomenters of our differences, as to make those very meetings of the Clergy an Occasion of warmer disputes; the Right and manner of their assembling being now become the Subject matter of their quarrel.

It is very well known that as this Church of ours is and always was Episcopal, so it hath not wanted for adversaries from different quarters, who have made it their business to run it down, as Popish and Anti-Christian. *No Bishop*, hath been as popular a cry, as *no Papist*, and the Person of a Bishop, tho' never so much revered before, hath been as much declaimed against, and reviled as any the worst of Men, though for no other real cause but for the sake of his Character, and his being set above his Brethren; but that which hath all along very much helpt to Screen the Order from Violence, and hath supported the Bishops in their high Stations (for the which they are envied by Men of Republican and Levelling Principles) what, next under God, and the protection of the Law, has stood them in most stead (unless when the stream of popular fury like a torrent bore all away before it) is the great Veneration, which the inferior Clergy, scatter'd up and down in great Numbers, throughout the Kingdom, have always had, and have been ready to express, for their
Archbishops,

Archbishops, and Bishops; insomuch as not to have suffer'd the least ill thing to be said of them, but to be upon all occasions, as tender of their honour and reputation, as of their own good Name, and Credit in the World; without which they must needs be Sensible they cannot promise to themselves any great success in their Ministry: thus the Bishops have had their Advocates in every Parish, whereby the mouths of all their false Accusers have been stop't, and the generality even of the Common People, after the unhappy Prejudice they lay under from the time of the great Rebellion, came to be pretty well reconciled to the Name and Office of a Bishop.

How far this hath been observ'd, and look't upon with Envy, by the common Enemies of our Church, I am not able to say! but very evident it is, that a train hath, for some Years, been laying, not only to divide the Clergy, and occasion a rupture in the Church, but to deprive the Bishops, of those good Offices of the Clergy, which they were found to reap so much benefit from; by Creating a misunderstanding, between the inferior Clergy (those especially of the Country who are very numerous) and those Bishops, that have been at the Helm of Church Government of late years, and have had the sole disposal of Ecclesiastical Preferments, on which account some will no doubt at all times remain steadily to their Interest; but those are but few that can be tyed that way, and may not at last be worth gaining at the expence of losing the Affections of the greatest part of their Body. By some secret methods and misrepresentations of Persons, and Things on both sides, a coolness hath been of late observ'd in many of the Clergy, towards several of the Bishops, and the like in them, towards some of the first rank, of the inferior Clergy; and by some unhappy Circumstances, concurring in the State, it is to be lamented, that some coolness also is Visible, towards the Bishops Bench, from the most Honourable, and best Friends, the Church of *England* hath; such as have always approv'd themselves, to be true Sons of the Church; and such as still, as much as ever, resolve to be her support, and to live and dye in her Communion. These are sad

truths, and to what accidents, or whose contrivances, we owe these our misfortunes, may be fit to be consider'd: In the mean time, it must be acknowledged, that this is the most unhappy juncture, that the Church hath known since the Establishment of Episcopacy, by the restoration of the Monarchy; there was indeed a time, that some Bishops were very ill treated since that; but they were at the same time, in the highest esteem, with all degrees of Men.

Now considering, to what pass things are come, and how by degrees the hearts of too many begin to be alienated, where it is of the highest concern, that they should be fixt, and firmly united; It is the part of every one, that wishes well to this our Sion, to labour a retrieve; and to endeavour, not only to find out the causes of our Divisions, and Misunderstandings, but also to study such ways, and means, as may be effectual for the healing our Wounds, and bringing things to their former state and condition.

According to the common course of things, before we can hope to prescribe a proper Remedy of what we complain off; It is needful to discover in the first place the cause of the Distemper; and not to pretend to look further than what concerns our selves, and is within our Sphere, as we are Clergy-Men, I make bold to give you my thoughts freely and impartially; having no further design, than out of a sincere love to the Church, to throw in my mite, towards its relief; It is the duty of every one of us to labour a right understanding amongst our selves; the peace, and welfare of the Church, very much depending thereon. Nor do I pretend to meddle in a thing, wherein I have not first taken some pains; for I have had sufficient opportunity to search to the bottom, if not of the right (which is still disputable) yet of the nature of the dispute, and the true state of the Question; and there can be no hurt in considering, what methods, if pursued, in all likelihood would answer the ends of both Parties, whilst they are supposed to pursue the same common good, and are truly sensible, of the need we have, of a happy Union amongst our selves; that whilst

we have Adversaries enough to encounter of several sorts, we may not prove our own greatest Enemies, by being at strife with one another.

When we come to look into the Occasions of the present Controversy in Convocation, and go to the Springs, or Source of it, a great deal of Art will be found to have been us'd by our adversaries, to work things up to the height they are now brought to ; It hath not been done all at once ; the Scene hath been laying a good while ; an advantage was taken from some jealousies the Clergy conceiv'd from the proposals of alterations, to be made in the Liturgy, and in the Church, in the Convocation of 1689 ; and the better to prevent it, a very great majority of that L. House of Convocation, oppos'd the choice of a very great Man, the late Archbishop of *Canterbury* for Prolocutor. Hence arose very great heats ; and unhappy distinctions were made from that time forward, in the disposal of preferments, with regard to that one Act ; wherein the Clergy shew'd a Zeal for their Liturgy, and the establish'd Religion ; and being neither willing to believe it to be faulty, nor apprehending that juncture to have been a proper time to endeavour to correct it, if it were, they exerted, upon that Occasion, their undoubted right of choosing a Prolocutor according to their judgment ; without intending or doing the least wrong to any one ; but this they found was highly resented, and not soon forgot.

The next step that was taken, was to represent the Clergy of the Lower House of Convocation, to be a set of Men of unruly Passions, and turbulent in their nature ; though when we consider it, we cannot but allow that they are of course the most Eminent of the inferior Clergy of the Kingdom ; Inferior they are call'd as they are a degree below the Bishops, but at the same time, they are the top of all, but the Bishops ; they are the Deans, which are named by the King, with the advice of his best Counsellors, and very often the Archbishop the chief ; they are the Archdeacons, and Representatives of Prebendaries, who are nominated by the Bishops ; and the remainder (which are about a fourth part)

are chosen by the Body of the Clergy, who are suppos'd to elect such Men, as they judge most fit to represent them, and to speak their sense ; so that to reflect upon such a Body of Men, and to charge them with want of temper, is really to tell the World, what sort of Men, the chief Clergy of this Kingdom in general are : though, in reason, such a calumny as this, ought not to be hearken'd to by any Man of Sense, yet there is great ground to believe, too much credit hath been given to it by Men of the first rank ; and though there might be other reasons, for not suffering a Convocation, to form it self into a Body, the following Parliament ; yet this was generally given, as one cause at least, that the Clergy were suppos'd to be too much out of Humour ; a very unusual way it is of bringing Men to temper, to add to the Occasion of their complaint, by what they could not but resent, as a further grievance.

A second Parliament was call'd, and no likelihood of a Convocation to meet, though regularly summon'd, and chosen according to Law ; then the Clergy thought it time to speak, and about twenty of them, taking care to attend when an adjournment was to be made by the Archbishops Commissary, desired him to represent to the Archbishop, that it was the sense of the Clergy in general, to their knowledg, that it might prove of dangerous consequence to the Church, to have Convocations in this manner discontinued, without allowing the Lower Clergy to be form'd into a Body, by the choice of a Prolocutor, so as to be capable of representing their grievances ; which they had, by the Practice of many Ages, an undoubted right to do.

This Representation was made, and repeated, and graciously answer'd ; but neither then, nor at the meeting of the next New Parliament, redress'd ; by which time Books began to be writ upon the Subject ; and though it cannot be affirm'd, that any of those Books spake the direct Sense of our Superiors, yet by the Dedications of them, and the countenance they receiv'd, there was too much reason to suspect, they were not disliked. This gave great Umbrage (as the Modern Phrase is) : Suspicions and

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Jealousies ran high, when the Clergy found the very right of their Synodical assemblies began to be call'd into question by Men of Character in the World: and at length, after a great deal of excellent pains taken by a Learned and judicious Author, a large account came forth of *the Rights, Powers, and Privileges of an English Convocation*, which, tho' it might perhaps be liable to some exceptions as to some lesser matters, no ways affecting the merits of the Cause, was yet as to the main design of it, found to be so Substantial, and well grounded, that no one of that Author's Adversaries, hath from that time, taken upon them, to deny or question the main right contended for, whatever difficulties they may have started, and urged in Circumstantial; or after what manner soever, some of them may have been willing to set up for Reputation in being Skill'd in Antiquity, and reading of the like sort.

When the Right of the Clergy, with respect to the holding of Convocations, came thus to be set in it's true light, it must be acknowledged, to the honour of our Metropolitan, that care was soon taken, to remove our fears, by appointing all things in due form, the last Winter, for the opening of a Convocation; whereby to restore the Clergy to a full enjoyment of their ancient Rights.

For it hath been the Opinion of the Clergy of the Church of *England*, and what they have always taken for granted, that they have by Custom immemorial and at least as ancient, as is the right of the Commons, to sit in Parliament, a right to be call'd to Convocation; they never imagin'd, a thing so plain could ever come to be disputed, but always apprehended, that they had an indisputable right, by the Law of the Land to be call'd and to meet as often as the Parliament meets; Royal Writs Issuing out for both alike of course and at the same time. And they have farther presum'd that when they come together, (as they have a right to do when call'd) they have also a Right according to Custom, to represent their greivances, and to make such Application for redress, as the Nature of their complaints shall require. A Privilege thus Ancient, and founded in the very Na-

ture of our Constitution is certainly never to be departed from, but ought to be highly valued by the Establish'd Church, as a very Particular and distinguishing mark of it's Establishment.

The Benefit of meeting in Convocation in some junctures, and upon some occasions, we apprehend to be of the highest Importance; and to have so Establish'd a right, upon any pretence disputed, and the Royal Writs Issued out in Vain, may very justly be look't upon, as a large step made, and a good will shown, to the striking the Inferior Clergy, out of the Constitution, and as done in order to their being brought upon the level with, if not beneath, very many Dissenters, in Point of necessary Correspondence; which is one sort of Church-Communion, and highly conduces to the Welfare, at least, if not the very being of a Church, If this Practise should prevail, it would soon come to be disputed (as it hath been already hinted at and question'd by some) whether we have any better pretence to be the establish'd Church of this Kingdom, than any other party of Men whatsoever; All will in a while, by this means, be alike esteem'd good Protestant Subjects, and all of them part of the Church of *England*, as Establish'd by Law, that is, by the Act of Toleration. For though it be true, that the Bishops who are Ecclesiastical Persons do sit in the House of Lords, yet they sit and Vote there, as Peers of the Realm, and with respect to their Temporalties; to the which they must be restored, before they can Vote, though consecrated, unless call'd by Special Writ (as others may be) It is only in Convocation therefore, that the Bishops, in such Laws as concern the Church, have a negative, and are not included in the Majority of a very numerous House of temporal Lords; and therefore it is only in respect of Convocation-meetings, that Ecclesiastical Persons can properly be said to be a distinct Part of the Constitution, and One of the Three Estates of this Realm; which makes it highly needful for the Clergy to keep up some Face of a Convocation, that they may thereby continue to be a part of the Constitution.

The Consequences of dropping by degrees

grees the right which the Clergy of the Church of *England* have to be called to Convocation, whenever the Laity are call'd to Parliament, are such, that very many unhappy Observations have been made upon all Accidents, and Occurrences, and upon all Writings of learned Men, which have given any the least Countenance to their discontinuance; so zealous and tender withal the Clergy have shown themselves upon this Occasion, that 'tis plain, they look upon all to be gone, if once they let go this hold.

And it must be confess'd, that it happens very unluckily, that from the hour that the Dissenters were by Law Indulged, and allow'd by the State the free exercise of their Religion in their own way, and thereby acquired to themselves greater Privileges, than ever were allow'd them under any Prince whatsoever (unless it were in the late Reign, with a design to do both themselves and the Church a great deal of hurt) then and not till then, the Clergy of the establish'd Church should find themselves abridged of those their own ancient Privileges, which till that time they had enjoy'd without any interruption, worth the naming, so many hundred Years together; and though the Law continues, to be the same, and as much in their favour as ever, and they have so much the more need than ever to make use of all Advantages, which they may justly claim, when they are surrounded with so many Adversarys, yet their non-enjoyment of this their ancient Right, bears equal Date and Commences with the Augmentation of Privileges to all others. This looks as if from that time the establish'd Church was suppos'd to be put into the Scales with other Constitutions; and that the more the one rises, the other must in proportion fall. This innovation is not owing to the want of Royal Summons, or a due Execution of the Law, on the side of the Crown, but must arise from very extraordinary Accidents, not easy to be accounted for.

Not that this ought to be understood, as if any sort of reflection were hereby intended on the Archbishops and Bishops of the Province, or on any Person Spiritual,

or Temporal, that is or hath been in Authority since the Revolution; But there are those who keep behind the Curtain, who have their ends, and designs in all this; they have their turns, and their Party to serve, by lessening the Church by degrees, and by stripping it of its Rights and Privileges insensibly, and under several specious disguises and pretences; Care has been taken to create misunderstandings, through a long disuse of Convocations; All complaints of the Clergy, however just, have been imputed to want of temper: when this wrongful Suggestion came to be Stale, new ways have been found out at their very first coming together, to blow up the Coals, to that height, as might give them hopes to render all such meetings for the future impracticable, and thereby justify another discontinuance of Convocations, as long as the former.

It is well known, that the Church hath neither wanted the Protection nor the Countenance of the Government; his Majesty hath always Issued out his Royal Writs of Summons to the Clergy to meet in Convocation, according to Law, as often as he hath thought fit to call a new Parliament; and the Archbishop hath also duly executed those Writs, as it is Incumbent upon him to do; and the Clergy have been legally chosen, and entituled to their ancient Rights; so that one cannot say the fault hath been in any of these, thus far; but then something or other, from time to time, by some unseen hand hath been thrown in the way, to make it be judged unseasonable to give the Clergy the trouble of a needless attendance; and notice accordingly hath been given to the Clergy, not to come to Town, as they us'd to do of Course, but to wait for a further Summons, as there should be Occasion: this for once look't kind, but when repeated, was not taken so well; and at length became matter of publick Complaint, amongst the Clergy throughout the Kingdom, as the greatest wrong done them imaginable, and portending much worse.

At length, when things began to run very high, and the Complaints of the Clergy were so Universal, and so loud, as they could

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not but reach the Ears of our Superiors ; the last Winter a new Parliament being call'd and consequently a new Convocation, the most Reverend his Grace of *Canterbury*, as Metropolitan of the Province, was pleas'd to gratifie his Clergy so far, as to remove all occasions of jealousy, by opening a Convocation in due form by a Sermon in *St. Paul's*, and by directing the choice of a Prolocutor, whereby to form the Lower Clergy into a regular distinct House.

The Clergy from all Parts of the Kingdom came together, with a firm resolution, (as they soon declared to one another) by their moderation and temper, and decency of Behaviour, and respect to the Upper House, and a regular management of Debates, amongst themselves, to stop the Mouths of such, as had maliciously misrepresented them, in the last Sitting-Convocation of, 1689; as if the Country-Clergy were so Headstrong, and unruly, as to make it unsafe to trust them together, for fear of misbehaving themselves either towards their Superiors, or towards one another; and this resolution they kept to, though seemingly as with design sometimes provoked to the contrary, as all that were present cannot in their Consciences but know to be true, whatever false reports were thrown about the Town, and sent into the Country to the contrary, with respect to some Occurrences, and Transactions in the Lower House.

But still though the Clergy came in a manner arm'd against a Weapon, which they had suffer'd so much from already, yet whether by accident, or otherwise, so it prov'd, and matters were so laid, that the very first Day, and so for several days of meeting; one after another, the Clergy found themselves put upon this Dilemma by the Upper House, that either they must submit immediately to such a method of adjournment, as must directly justify all the late Proceedings of discontinuing Convocations so long and for so many years, and make their past Complaints appear unjust and unmannerly, if not worse; or else, they must immediately enter upon the Examination of the Right of adjourning; whether when the L. H. is form'd into a Body, and

have a Prolocutor at the head of them, to adjourn them; the Archbishop, notwithstanding, may adjourn them as often, and for as long time as he pleases? by which means, the Members of the Lower House may quickly be made weary of a Convocational attendance, and reckon it is a very great favour, to be suffer'd to go home; which the Archbishop may so far refuse, if he pleases, as at least to require their appearance in Person or by Proxy from Day to Day, if he thinks fit. The consequence of the Upper House Scheme of adjournment, is so very plain, as will not need to be enlarged upon; nor does indeed, any one pretend to say, that less does follow from it, than that the right of Sitting, and Acting in Convocation, notwithstanding the Kings Writ, which talks of Treating, Advising, Consenting, &c. is altogether at the will and Pleasure of the Archbishop as President; the sending a Commissary into the Lower House, nay a bare Register, with a Schedule to adjourn, whenever his Grace pleases, and the requiring their attendance in the Upper House, before they enter upon Business in their own (if submitted to,) most evidently puts it into the Archbishops Power, to prevent the L. Clergy, ever having two Minutes at a time, wherein to discourse of grievances, or of any thing else as a House; and though we may talk of ancient Rights, and Royal Writs of Summons to Convocation, and Parliament (as there are always both, the one directed to the Archbishop, and the other to every respective Bishop when being call'd to Parliament he is directed to bring his Clergy along with him) all that, which has hitherto been said to be owing to the Law, and founded upon the Practice of above nine hundred Years, shall prove at last matter of mere favour in the Archbishop, and shall in truth amount to no more than this: His Grace may during the Sitting of Convocation, as he may at any other time, prescribe business to be done, by such Men as he hath an Opinion of, and tell them when he shall be next at leisure to see how well they have perform'd their task.

The Nature of the Questions put to the L. H. by the Archbishop, in the way of
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charge of irregularity, as they may be seen in the Narrative, together with the whole proceeding of the four or five first Days meeting, do put this matter past dispute; and no one will pretend to say, that any thing less can be inferr'd, from what the L. House were for a while oblig'd to comply with, only entring upon their Books that they did it with a *Salvo jure*, till such time as having searched the Act Books, and journals, they came to be better inform'd of what they were oblig'd to, and what they were not.

There is no one supposes that the Archbishop was aware of the Consequence of the Method he hapn'd to put things into, the first Day the Convocation set in two distinct Houses; and therefore, I may well hope, his Grace will not take it ill, if the transaction of that day, which might not be design'd to have any ill effect, be reckon'd among the Occasions of the present Controversy; and since upon further enquiry, it appears, that never any such thing, as a Commissary coming down, to adjourn the L. H. in the presence of a Prolocutor, is ever to be met with, in any one Act-Book, or Register whatsoever, nor any one ancient Member can say he remembers this to have been practis'd before the discontinuance of regular Sessions and actings in due form, it is hoped an endeavour to compose such differences, as arose out of this mistaken Method of adjournment, may be the better hearken'd to.

And the better to satisfy you, that neither what I have said, nor what I have further to add, is in any measure intended, as a reflection upon his Graces conduct, but that on the contrary I suppose, what has hapen'd to be meerly accidental, I will give you a short History of what you seem in your Book to build upon the most of any thing; and to the want of rightly considering the nature whereof, all the mistakes that have happen'd amongst us, about the manner of adjourning the L. H. are in great measure owing: That which I mean, is the adjourning the L. H. by a Schedule from the Upper, which you take for granted to have always been the

practice, and yet you will find it to be as novel, and unprecedented, as the doing it by a Commissary; and both in all likelihood were introduced by accident, at one and the same time, and by the means of an accidental jumble (as one may call it) and mistake.

Whoever reads your Book as written in defence of your first Letter must needs be surpris'd to hear this asserted; for it will hardly be imagin'd that you should so far impose on the Reader, as to take this Antiquity of adjourning by a Schedule for granted, and argue from it from one end of your Book to the other, as if it were a thing acknowledg'd on all hands and undeniably evident from Record. When, had you been a Member of the L. H. and attended the debates, you could not but have known, that the Managers of the Controversy on the side of the L. H. frequently call'd upon those that argued from the Schedule, to prove it to be of any Antiquity at all, or not to be so very modern (so far as concerns its being brought down or executed in the L. H.) as any one must needs be asham'd to urge it as a precedent of any Weight or Authority. When a proof of the Antiquity of this manner of adjournment was requir'd, there was a profound silence upon this Head. Nor do you offer us any satisfaction in this matter. For tho' your Contents direct your Reader to P. 39. for an Account of it, and tho' in P. 38, we find in the Margin these words, *the Antiquity of the Schedule*, so as to make one believe you had made some notable discovery of it, yet when we come to look for what we want, there is not one Tittle of it so far as concerns the Execution of it in the L. H. which is all that we want to know; for that the manner of adjourning the Upper House has always been by a Schedule signed by the President, expressing the consent of his Brethren, was never doubted of by any one, that pretends to know any thing at all of the Matter; nor is it to be doubted but that the Prolocutor hath always adjourn'd in like manner *in scriptis* (as is the regular way of all Bodies that act in Conjunction where what one does is in the name of the rest) unless by an accident out of haste; and

and then it is recorded that he adjourn'd *verbo tenus*; but that the Prolocutor did adjourn by the Upper House's Schedule till very lately hath so often been denied, that it is wonderful to find a Person that seems to write in earnest, lay his whole stress upon a thing so very precarious.

As then the Antiquity of a Schedule brought from the Upper House, to the Lower, and of its execution there, is not offer'd to be prov'd, perhaps it may not be amiss by way of digression, to give you my Conjecture of the true rise and occasion of all our mistakes concerning this matter; though I call this a digression, yet if the Account I shall give carries a probability along with it, then the want of considering it so much as might have been may be reckon'd among the Occasions of our present difference.

It is very well known that *H. 7th's* Chappel was till very lately made use of by the Bishops, as their House; and a little Chappel below Stairs or a sort of Vestry as in 1685 was always fitted up for the Clergy of the L. H. Whenever the Archbishop had occasion to say any thing to the Prolocutor, or to the L. H. they were sent for up to *H. 7th's* Chappel; there it was the Prolocutor was presented; there every thing is done that is proper to be done in the Upper House, and all Acts signed by the Archbishop are dated thence, and among others his Schedules of adjournment of that House, by which Schedules the *Convocatio*, or *sacra synodus* is according to the most usual stile said to be adjourn'd; at other times tho' very seldom, and then probably for peculiar reasons, which may be assign'd the *Convocatio Prælatorum & Cleri* is mention'd as thereby adjourn'd, for when there is no L. H. to adjourn themselves, or where there is a Parliamentary Adjournment, or Prorogation, the Archbishop's Act in the L. H. shall affect the whole Convocation, which is sufficient grounds for the form it self though not for the using it at all times alike, or for the framing any Argument from it as if the form ought always so to run

In *H. 7th's* Chappel, as being the Upper House, all the Adjournments from Week

to Week, during several Sessions of Parliament in *K. Charles's* Reign were executed by the Archbishops Commissary, whilst the Clergy were willingly and thankfully excus'd their attendance; and the same method took place upon Royal Prorogations from time to time; Hence this Chappel came to be lookt upon by all, as the proper place where such Adjournments and Prorogations were to be made. But so it happen'd, that by the reason of the suspension of several Bishops of this Province in 1689 (the Convocation meeting in the midst of Winter, and the number of the Bishops being very small) the President and those few Bishops that were there accepted of the Bishop of *Rockester's* kindness in accommodating them with a good Room in his House call'd *Jerusalem Chamber*, and left the lower Clergy to sit in *H. 7th's* Chappel, and saved the trouble and charge of erecting Seats where they us'd to meet. This very Change of place though meerly accidental, we shall find to have made very great alterations in the methods of proceeding in Convocation, and particularly with respect to Adjournments so far as to affect us to this very day; which perhaps hath been very little thought of as yet, and not consider'd so much as the nature of the thing may deserve.

It hath been already observ'd and confess'd, that the way of adjourning in the Upper House us'd to have always been by a Schedule, which the Archbishop sets his hand to, attested by a Publick Notary, and thereby made an authentick act to be Register'd and enter'd in due form. These Schedules having always been made and executed in *H. 7th's* Chappel, and bearing Date accordingly from that Chappel as being in truth the Upper House, the President of the Convocation and his Register, not with the least design of irregularity or of trespassing upon the Lower House, kept to the form of the old Schedules, sending a Commissary down to *H. 7th's* Chappel, to execute it there as the usual Place where it us'd to be Executed.

But lest the execution of those Schedules by the Commissary should give any interruption to the Debates of the L. House,

the Commissary sometimes sent to know, whether they were ready to adjourn, and particularly when the Bishop of *Rochester* was Commissary, after the President and Bishops had been up some hours, he staid in his own House, and came not till Night to read the Schedule; upon the Reading of which the L. H. without making any sort of enquiry into the regularity or it, acted as if they had been affected thereby, and accordingly went their way as adjourn'd.

At other times, to save the Commissary the trouble of coming, the Schedule was sent to the Prolocutor; whereby the House knew when the Bishops were to meet again, and so adjourn'd accordingly; and no Act was made of the Publishing this Schedule; only it is found upon the Journals adjourn'd. Upon the whole matter, all that were Members at that time may easily remember, that they were at that juncture, so far from enquiring into the ancient forms of the Power of adjourning, that not liking the business, they apprehended themselves to be called thither for, they did not care how soon they were wholly dismiss'd.

What might further contribute to the mistake about the manner of Adjournments is this. When Convocations left off to meet for doing of business from the Year 1663, the Archbishops Commissary from Week to Week went into *H. 7th's* Chappel, and there adjourn'd the Convocation. This way of adjourning therefore (by the Commissary) and his place of declaring Adjournments (in *H. 7th's* Chappel) were uppermost in Mens thoughts when the Convocation met in 1689. The Register, to whom the writing of forms is usually left, kept to the last forms, without regard to the Change of the Places for the Sitting of each House. The Commissary who had us'd to declare the Adjournment in *Henry* the 7th's Chappel, whilst it was the Upper House, went on to declare it in the same Place, when it was now become the Lower House. That Schedule which was before read in the *absence*, was now read in the *presence* of the Lower Clergy. This custom was perhaps without any ill intention brought in, and the innovation not quickly perceiv'd by the Clergy; but no Argument

can from hence be fairly drawn for the defeating them of their Ancient right to adjourn themselves. Because the Archbishops Commissary did sometimes in *H. the 7th's* Chappel adjourn the Convocation by a Schedule (which usage has been accounted for) it has been too hastily concluded, that he might of right do it at all times, and come and read such Schedule even in the presence of the Prolocutor, of which there is no one Instance in the Books. And as to the attempt of this kind in the last Convocation, on the first Day that the Lower Clergy were left to themselves, it is very plain it was owing to the Bishops removing from *H. the 7th's* Chappel to *Jerusalem* Chamber; for so it was, that the Archbishop having adjourn'd the whole Convocation, from *St. Paul's* to *Hen. 7th's* Chappel, directing the Prolocutor to be presented there, plainly made that Chappel to be the Upper House; it never having been the Practice of Convocations, for the Archbishops and Bishops to come and sit judicially and Synodically in the Lower House. There both Houses met, and the Ceremony of presenting the Prolocutor being over, the Archbishops and Bishops, without any adjourning of themselves to *Jerusalem* Chamber, as they ought regularly to have done to make that become their House, left the Clergy in Possession of the Chappel, directing them to proceed, &c. But when their Lordships came to adjourn themselves to a further Day, the place to which they had adjourn'd from *St. Paul's* ought of course to have been the place from whence the following Adjournment ought to bear Date, and accordingly a Commissary was sent into *Hen. the 7th's* Chappel to adjourn the Convocation according to the usual Phrase and with the Schedule of the Upper House; So that by this means the Schedule which us'd to be both Dated from and Executed in *Henry* the 7th's Chappel as being the Upper House, was now Dated from *Jerusalem*-Chamber (the Upper House) and Executed as before in *Henry* the 7th's Chappel become now (what it was not before) the Lower House.

It is here to be observ'd that the Commissary thus coming down to the Lower Clergy, and reading the Schedule of Adjournment, there

there was nothing left for the Prolocutor to do, who is always upon the Books found to be concern'd in the Adjournment of the L. H. *Dominus Prolocutor continuavit or prorogavit or intimavit or significavit or declaravit Convocationem continuatam or prorogatum esse*; or else the House is said to adjourn in the Phrase of *Domini Continuarunt*; but as to a Commissary's doing it, when the Prolocutor is present, and the L. House Sitting Synodically, the Books are so entirely Silent, that there is not one Instance of it to be found in any Ancient Act-Book or Journal whatsoever.

True it is, that this method of Adjournment had pass'd unobserv'd, or at least unexcepted against in the foregoing Convocation (as hath been already acknowledg'd) but there were several Members had by this time consider'd the thing so far as to propose it to be compared with ancient practice; and in order thereto a Committee was at the next meeting, after an abrupt breaking up, appointed to inspect the Act-Books and Journals, and to extract from them what related to Prorogations and Adjournments, which accordingly was done by a very numerous Committee, who were unanimous in their report.

The Necessity of this their search did every day appear the greater as they found new methods of adjourning set on foot, and questions sent to them by his Grace, implying a Duty of attending upon the Upper House in *Jerusalem* Chamber, before they did so much as say their Prayers or meet as a House in *H. 7th's* Chappel. From the Narrative, it is evident that the Upper House Register was sent to adjourn the L. H. and Questions were put to them, relating to their breaking off in the midst of their business, whenever they receive the Upper House Schedule of Adjournment, and to the Phrase *in hunc locum*, as if the L. H. were thereby adjourn'd to *Jerusalem* Chamber, and were to come thither before they met elsewhere; both which Questions led to such hardships as the Clergy soon found there was no sort of precedent for, though they submitted to 'em with a *salvo jure* till they knew better the true state of things: The Questions

were sent to the L. H. by the Archbishop long before the Committee made their report; so that to impute these hardships and innovations to the L. H. having assumed to themselves a power of separate meetings and Adjournments, (as you are pleas'd to do p. 4.) is to make the cause follow its effect; and to affirm that a Report made on *March 6th* could occasion those Questions which that Report was to Answer; for so it was in fact; the Report of the Committee was by the House directed to be drawn as in Answer to the Questions; and till the Report was made, there could be no thoughts of separate adjournments; nor was it put in practice of above a Month after, and then but very sparingly and with reserve and upon an extraordinary occasion; inasmuch as not to have done it had been to have given up all.

To have such a Scheme drawn for future Adjournments as was sufficiently servile, and burdensome, and yet altogether unprecedented, may very well be reckon'd among the Occasions of the depending Controversy; Though the Lower Clergy have all the respect and deference imaginable to their Superiors, yet as they act in a Body and are the representatives of ten thousand spiritual Persons, and of all the Clergy of the Kingdom, who are not Bishops, they could never have answer'd the entailing upon themselves and their Successors, such hardships as their Predecessors were never known to undergo; this therefore alone had been sufficient Occasion and reason for some struggle; but they had cause to apprehend there was a great deal more at the bottom than Hardship and Novelty: for they found the Scheme was such as if submitted to did at once give up all pretence to Convocational meetings for the future as grounded upon Right, including a freedom of debate and a negative upon the Upper House; and every hours sitting and acting must have been acknowledged to be precarious and matter of favour only, which as things may be managed may soon amount to just nothing at all.

The Consequence is so plain and undeniable as nothing can be more; if it be allow'd

allow'd to be in the Power of the Archbishop to oblige the Lower Clergy to attend first in the Upper House before they proceed to business in their own, and that as late as his Grace and their Lordships shall think fit, and if, when they are sent down to say their own Prayers they may be followed with a Schedule of Adjournment, or a Commissary sent to adjourn them, by that time the Litany is at an end; then to talk of freedom of debate, or of presenting grievances, or doing any thing that may in any measure be unacceptable to his Grace, or the Majority of the Upper House, is trifling; and Men reduced to such methods and restrictions will never, if they are wise, desire to spend five or six Months in Town, only for the pleasure of walking in *Westminster-Abbey*. It was the Consequence of the Upper House Scheme of Adjournments that gave the Allarm more than the burdensome part, because they saw plainly the very being of Convocations, so far as concerns the Lower Clergy, depends upon it.

Some People may reckon it a privilege, and it may be intended as a favour to be consulted with sometimes by the Archbishops and Bishops, and to have their Opinion ask'd; but if there be no room for varying from their Lordships in Opinion, no room for any grievance to be mention'd but what is first hinted to them by his Grace and their Lordships; if all business must begin in the Upper House, and the Lower Clergy are not to speak but as they are spoken to; and if a stop shall be put to all Discourse, that is either begun, or is not carryed on to their Lordships good liking; this is no more than what may be at any time as well out of Convocation as in it; any Bishop may at any time exercise as much Authority as this comes to in his own Diocese, in Diocesan Synods; and if Convocations mean no more there had been no need of an Act of submission from the Clergy to the Crown, to declare that no Convocation ought to be call'd but by the *Kings Authority*.

The Necessity of some sort of power, more than this of only thinking or moving, just as the Archbishop directs, was very

Visible in the transactions of the last Convocation; and to decline an intercourse, where the Subject in hand does not please, may be reckon'd as a further Occasion of the depending Controversie. It stands to reason that if a Lower House of Convocation can do any thing at all, it cannot but naturally come within their Sphere and Province, to represent to their spiritual Superiors the inconveniences arising from the Publication of ill Books, as the greatest of grievances the Clergy can complain off; since it is their business to propagate the Christian Religion, and instruct Men in the precepts of the Gospel, and instil sound Principles, and wholsom Doctrine into those whose Souls are committed to their Care; and though they do not pretend to censure judicially, which is a sort of Punishment, and belongs to others to direct and controul and execute; yet certainly the Bishops and Clergy may declare their Opinion of a Book, whether it be fit for Men to read or not; and this is all that the L. H. have pretended to do; It is allow'd on all hands, as a thing very evident from repeated Precedents, and custom immemorial, that the Lower Clergy have a right to present their grievances with a prospect of redress, as often as by being called to Convocation they give their assistance to the Crown for the Service of the Publick; which they still continue to do as much and as effectually and truly as ever, though the manner of laying their Subsidies is by silence implying a consent ever since the Year 1663. changed to a more equal and easy method of paying with the rest of their Neighbours at a pound rate, and not according to the King's Book as they us'd to do. Though the manner of their contributing to the Occasions of the State be alter'd, yet the thing is done, and the Consideration is the same as ever. And since the Clergy are by the King's Writ, not only call'd to Convocation but to Parliament (not to sit with the Commons as is vulgarly talkt but there where the Clergy according to custom are known to meet) thereby the better to be included in the Taxation for the service of the State, and to consent thereto by their being

being present, (as the Commons of *England* by their respective representative, are all suppos'd to do) the Clergy by their proportion of Taxes are undoubtedly entitled to the same right of representing their grievances, as they ever had; and to be denied an Opportunity of representing them, as often as they Contribute to the occasions of the State, is the greatest of all grievances, because it puts them out of a capacity of seeking redress.

Now amongst other greivances, that of Books Written against the establish'd Doctrine, which it is their duty to teach, must of course be allow'd to be one and to come within this Denomination; They could not therefore but complain of their being retrench'd in so necessary a Privilege, as well with respect to a Book Written against the truth of Christianity, as to a late Exposition of the Articles of the Church of *England*, which though Publish'd by a Bishop of their own Province, they did apprehend to be more in favour of other Constitutions and persuasions, than that of the Establish'd Church.

And now by this time you have a full view of the true causes and Occasions of the late Controversie in Convocation, which though they may have Branched themselves out into several particulars, yet they all Spring from the same root and are owing to the suspicion, and Jealousie which the Inferior Clergy have labour'd under, for some years together, that their Constitution, as to Convocations, is at Stake; and this they impute to the contrivance of some Persons, who do not mean well to the Establish'd Church, and are affraid a Convocation should not only discover, but expose their designs.

From what hath been said it very Evidently appears that the occasions of the present Controversie are chiefly these.

1. Such an Unusual discontinuance of Convocational meetings, though the Clergy have been call'd by Royal Writ, as is not to be met with throughout the Course of many Ages, there scarce being any precedent, except in the Extraordinary case of the *Oxford* Parliament in 1681. of a Prolocutors not being chosen.

2. The unprecedented method of adjourning which the Upper House thought fit to begin the first Session with by sending a Commissary to adjourn the Lower House in the presence of the Prolocutor, and this Seconded by the Register being soon after sent to do the like. This way of adjourning is never to be met with throughout the Books and was taken up by an accidental mistake very lately.

3. The two questions sent by the Upper House to the Lower concerning their putting a stop to all business upon the receipt of a Schedule from the Archbishop, and requiring their attendance at *Jerusalem* Chamber, before they met in their House, very plainly appear'd to be a ready way to make all meetings and consultations of the Lower H. to be precarious, and to depend entirely on the pleasure of the Archbishop.

4. That which made it necessary for the L. H. to assert a right of meeting upon intermediate days (for the which they have precedents) was an Adjournment of a Month; which whilst the Parliament sits and is neither adjourn'd nor Prorogu'd, is without precedent, the Adjournments upon the Books very rarely exceeding a Week or 10 Days, unless by Royal Writ.

Having thus with all the openness and freedom imaginable given you what I may affirm to be the Sense of the generality of the Clergy of this Kingdom, concerning this matter; (whose Hearts are set upon a due Enjoyment, of what they apprehend to be their Birth right, and what they have all the just Title to that any Society of Men can have to any thing that is most dear to them) I go on now to propose an Expedient whereby to lay asleep, at least for the present, if not wholly put an end to, the Controversie, which hath made so much noise in the World; which by being only propos'd, will at least have this effect, that according to the Countenance it meets with, from those in whose Power it is to put it in Practice, we may in some measure discover whether our fears and Jealousie have hitherto been groundless or not; for if nothing be hearken'd to, and neither this nor any other course thought of to remove our fears; if Volumns are still written upon these matters,

matters, and questions, which are artificially tackt to what ought to be chiefly insisted upon and consider'd (which is the Right of Convocational meetings) and if in the mean time the injury complain'd of is repeated, and the Lower Clergy not suffer'd to meet, upon the old Plea of want of temper in the Members, (which they cannot but look upon as an additional wrong;) if Proposals of this kind, or any others in the stead of them shall meet with no Success; if no inclination, at least, be shewn to some accommodation, by giving the Clergy an opportunity of meeting to make their Proposals and to fix upon proper methods of Adjournment, for the future, to the Satisfaction of both Houses; Then we may easily guess, what the Clergy are to trust to, and what is to become of all their ancient Rights and Privileges, which they have hitherto dreamt of, and which they are only to continue to dream off, and not to enjoy, if the advice of some Persons prevails.

What I have to propose, by way of Expedient (which I leave to you to improve and amend as you see cause, and to represent to the best advantage) whereby to bring things into their ancient channel, so as to go on smoothly, for the future, and that neither House of Convocation may Trespas upon the Privileges of the other, is reducible to these few following Heads.

1. That a new Convocation being call'd, and his Majesty's Writs to Convocation and Parliament duly Executed, a Sermon be appointed, and a Prolocutor be directed to be chosen, and presented, where the Archbishop shall appoint, and all things done according to custom, so as to open the Convocation, without any tokens of displeasure, or resentment on either side, the Lower House being now to be consider'd as a new House.

This first step cannot but be absolutely necessary, whereby to convince the Clergy, that there is no sort of design upon or prejudice intended to the Constitution; and that they have been too blame, for being so jealous, and Suspicious of their Friends and Superiors.

2. That, to avoid the inconveniences that have happen'd upon the Lower Clergy's Sit-

ting in *Hen. 7th's* Chappel, and not having a House peculiar to themselves (as till of late they always had) some convenient Place may be thought of for them, as near as may be, to *Jerusalem* Chamber, whilst that continues still to be the Upper House; and the Chappel be only made use of upon Extraordinary occasions.

3. That his Grace will be pleas'd to appoint a Committee of both Houses, determining the number of each, as hath been usual; which Committee shall be directed to revise all the Registers, Act-Books and Journals of both Houses, and from them to frame such Resolutions as being consented to by both Houses may for the future settle such things as at present seem disputable; and as one step towards accommodation, and as an acknowledgment of the Archbishop's Authority over the whole Convocation, as President, which they have been always willing to submit to (whatever some may have suggested to the contrary) it is propos'd to be taken for granted as a standing rule, that the L. H. are obliged to be in a readiness to attend the Upper House at any time when sent for, and consequently are to be a House, and in a capacity so to attend, whatever Day or Hour their Lordships adjourn to, if they are made acquainted therewith; so as to relinquish and disclaim any right they may from any one Precedent seem to have of adjourning beyond their Lordships Day.

This Concession which the L. H. at all times declared themselves ready to make, takes away all Objections rais'd against the L. H. Scheme of Adjournments, as if they design'd thereby an Independence on the Upper House, in imitation of the House of Commons; or as if their methods were to be our rule; a thing very often imputed to the Asserters of the L. H's Claim, both in Debates and in Print; but which was always declared against, the methods of Parliament may be often explanatory of Convocational Usage and Custom, but the Privileges of the one are undoubtedly very far short of the other.

4. That whatever appears upon the Books, to have been customary for the Arch-

Archbishops Commissary to do in the L. H. properly so call'd (*viz.* Such place as they sat in before they sat in H. 7th's Chappel) so much he may continue to do whenever the President shall think fit; but what is either of late Date, or owing to any accidental mistake, such practice not to be brought into a Precedent or to be the method of adjourning for the future.

5. That so long as his Grace and the Upper House shall be pleas'd to keep to the accustomed terms of Adjournment of once or twice a Week or thereabouts, (be it more or less) the Lower Clergy shall think themselves equally obliged to be as constant in adjourning themselves to the same Day, as is found to be customary upon the Books, and which therefore it will be in the power of the President to prevent ever being otherwise, or ever to be disputed again.

6. That though it shall not appear that a Schedule of Adjournment hath anciently, or till very lately been sent to the Prolocutor, or that the Prolocutor hath been sent for up to receive it, yet since it hath of late obtain'd, and it is more convenient that a Schedule be sent to the L. H. than that the Prolocutor should be always sent for up, to be told to what Day the U. H. hath thought fit to adjourn, that the L. H. might accordingly meet upon that Day (as we find by the Books was the usual way), this method of sending a Schedule shall continue to be the way of intimation for the future to the L. H. as to the Day, and Hour to the which the U. H. is adjourn'd; and the Prolocutor shall intimate that House to be adjourn'd to the same Day and Hour, the Clergy consenting thereto, when their Debates are at an end; so as no stop, or interruption be put to the business in hand, or to what other business they have to do that Day.

Thus the Archbishops Schedule shall plainly take place so far as to oblige the L. H. to meet upon their Lordships Day; but whether it be authoritative or declarative is a Question there will be no need of determining, so long as the L. H. are secure of meeting according to custom, and the U. H. is sure to be attended upon

by them as they ought. And without determining whether either House in strictness may deviate from these common rules, the Controversie concerning Adjournments will be laid asleep of Course, if not entirely put an end to in a while.

7. Lastly, to prevent any long unnecessary attendance in Town, when the Parliament happens to sit a great while; it may be so order'd, as to be accounted a favour to the L. H. after a Month or six Weeks attendance to be called upon for their grievances, according to ancient custom (if they have any to present) and then that they may have leave to retire. After such recess, no L. H. appearing in a Body, the Adjournment shall be made in the U. H. or in H. 7th's Chappel, once a Week according to ancient custom, and shall of Course adjourn, and affect the whole Convocation, in the stile so much insisted upon, of *Sacra Synodus* or *Convocatio Prælatorum & Cleri Provinciae Cant.*

This Expedient which is very easy and practicable, and which secures Convocational meetings to the L. H. and does not contradict the Authority of the President, (since his Schedule is supposed to be executed and obey'd) we may conclude both Houses may be willing to acquiescence in. But that you may not flatter your self with the thoughts that your Book is so very convincing in every part of it, as to have cleared the point beyond dispute, and that therefore so much condescension as this from the L. Clergy is no more than what you might easily expect, I must beg leave to say that there is nothing here propos'd, as owing to the least apprehension of the L. H. being mistaken in their claim, or to the force of any argument used against it in your Book, there being really very little, if any thing new in it. What was urged in the House, in the long Debates that were held, you have drawn into form, and Publish'd to the World; and this gives the Person you reply to occasion to draw up the Answers that were then given, and then to leave the World to judge, which House hath the better side of the argument. But till the Answer be out which is preparing (but must of Course

be of Length) no one can fairly determine in favour of either.

Not but that in the mean time I have had occasion to touch upon some things, which so immediately strike at the Foundation of your argument, and particularly the Schedule, that any one may guess, that what else you alledge, may reasonably be suppos'd to admit of as easy a reply: and should it so prove that your way of arguing in other things is of the same sort with that about the Schedule, (which takes up so much of your Book) it cannot redound very much to your advantage, considering how strangely you take a thing of that nature upon trust, and build upon it all along, which when lookt into, will be found to have no sort of Foundation from Journals or Act-Books, or Registers of either House. No one that reads your 57th Page, but would imagine the L. H. had been all along adjourn'd by the Upper H. Schedule, and yet when you name the Convocations in 1586 and 1588. (for good reason probably at the same time omitting the two Convocations of 1640. whereof we have the Journals or Minutes and which comes pretty well within reach, if not of memory, yet of immediate tradition) you can only mean, that the Prolocutor did use the Phrase *intimavit* oftener than any other, when you say it is the *currant and Ordinary Stile*; which is not true neither, unless that three be more than eight (which is the proportion in the first Convocation refer'd to) or 11 be the major part of 24, which is the proportion in the two Sittings of the Year 1586. It is indeed the usual, though not the constant Stile in 1588; but in two Convocations in 1640 consisting of near 50 Sessions, we lose sight of it; and it never after recovers more than a share with other Forms or Phrases made use of in the Adjournment of the L. H. Thus what is nearest to Truth proves a mistake; but as to the Schedule, which was the thing to be prov'd, there is not one word to be met with of it in any Lower-House Book or in any Upper-House Book, as sent to the Lower House either in 1586. or 1588. or 1640 or in any other Convocation, till so very lately, if at all, as no way to amount to a proof.

There is another thing, I ought to tell

you of, as a Friend because it very much lessen'd the Credit of your first Letter: it is what looks as if you were declaiming and not arguing, when you suggest, that the present Controversie arises from the *Opposition of Presbyters against their Bishops*; and under the disguise of a Prayer you further intimate that our *Ecclesiastical Constitution* is in danger from the Lower House and *Encouragement given by them to the Enemies of Episcopacy*.

This hint was laid hold of in a Pamphlet pretended to be written from a Presbyter in Scotland to his Correspondent in England; but these are shifts, that will not pass upon Men of Sence, who would have an Author speak as he thinks; Were there no such thing as a List of the late Members of Convocation, and were not the Names of those that were on your side the Question quickly known and distinguish'd from the Majority, whom you thus bring this heavy charge against; and were these Presbyters, whom you misrepresented, such little inconsiderable People as not till now to have been named in the World, so as that you and others might be suppos'd to be altogether Strangers to their Character, such a sort of surmise might have been pardonable; but when they are known to be the most Zealous asserters of *Episcopacy*, and several of them by their former attendances on Archbishops and Bishops, have been bred up to a Veneration of the order, and are the *jure Divino Men*, the high Church-Men (as some call them) that is, they are for opposing all such as are for bringing an *Episcopal Church* upon the level with other Constitutions, though they are upbraided with their *Magisterial stiffness* and told the times will not bear it; to accuse such Men of *Encouraging the Enemies of Episcopacy* is a Contradiction *in terminis*; and one may as well say a Bishop is an Enemy to his own Order, and leans to Presbytery.

It is plain the design of the Lower Clergy in their late Proceedings, was not to oppose the Archbishop and Bishops in the enjoyment of anything that could be made appear to belong to them, or that they had Antiently enjoy'd, but to defend the right they apprehend they themselves have, and for many Ages have enjoy'd; so that they might be
always

† *Expos. of the 39 Artic. p. 257.*

always in a capacity and readiness to uphold the Ecclesiastical Constitution, and to prevent the Church of *England* from ever being other than Episcopal.

Upon the whole matter give me leave to desire you not to think, you have such Men to deal with, as need be either affraid or ashamed to own their cause; nor to imagine, that there is any thing in your Book, but will admit of an easy answer; The further we look back into precedents, the question becomes the more intricate and involv'd, and therefore the more needful it is to study Expedients, and ways of putting things into such a method, as may be consistent with the Dignity of the Metropolitan, and yet preserve the ancient Right, the Clergy of the Church of *England* have to the being call'd to Convocation; whenever a Parliament is call'd; and there to meet, and be a legal Assembly, in a capacity to serve the Church, which they are there together with the Bishops suppos'd to represent.

Were it not that I am willing to suppose, that you and all good Men, do desire a Union between the Upper and the Lower House of Convocation (as they are the Representatives of the Clergy) as well as between all the Members of this Church in general, which is so unhappily divided at this time; I should not have given you in particular the trouble to promote the good designed by these sheets, and were it not also for that you have had so large a share in carrying on the dispute.

But if after all the kind endeavours you are capable of using to obtain a favourable acceptance of this proposal of accomodation, in the way of an easie Expedient; you shall be order'd to Answer, that this coming only from a private hand and not from the Body of the Clergy, is not to be lookt upon as of any Weight, and that other measures are resolv'd upon; that the Lower Clergy must resolve to give up the point of Adjournment, or must never expect to meet any more; if this should be the case, I must desire to know which way the resolution of the Lower Clergy can be known in a regular way, but by being fram'd into a Synodical Body; so that to deny them a Session is

to prejudge them and condemn them, and to execute a Sentence of Forfeiture of right upon them, without giving them the least opportunity of making their defence, or of answering for themselves. If you foresee that this is like to be the case, and that the L. Clergy will not be allow'd to frame themselves into a Body, by the choice of a Prolocutor, during the approaching Session of this new Parliament, then I must desire the favour of you to give me an answer to the following difficulties which I labour under; and since you have the opportunity of being in Town, I desire you would in doing it take advice of Council Learned in the Law, and the Assistance of those that have been most conversant in the Archbishops Registers, and in all Synodical Act-Books and Records.

Some Difficulties fit to be consider'd by way of Queries, to which an Answer is desired.

Whether any Society of Men, having enjoyed a Privilege for longer time than what in the Eye of the Law is time out of mind, shall not prescribe to the enjoyment of it as a right, unless it be taken away by Act of Parliament, or superseded, or lost by disusage and nonclaimer beyond the memory of Man? and are not the inferior Clergy of the Establish'd Church a Society of Men capable of prescribing to a right or Privilege, and whether it be not a Fundamental Rule and first principle in *Magna Charta*, *Ecclesia habeat omnia jura sua integra & libertates suas illasas*, &c.

Whether within the compass of a thousand Years or thereabouts (be it something more or less, that the Lower Clergy of this Kingdom have been called to Convocation) there is any one such Tract of time to be met with as hath been since 1689, of eleven years passing over together, and a long Session of Parliament each year, and the Lower Clergy, as duly call'd by Royal Writ, as the Parliament it self, and yet never to have been put into a capacity of framing themselves into a Body any one of those Years? What is more, can any one Instance whatsoever be given from first to last till after 1689, that the Lower Clergy have not met in Convocation, so far at least as to have chosen

a Prolocutor upon every New Call of a Parliament unless it were that of Oxford in 1681. where the Room could not easily be had, and the Parliament it self was suddenly dissolv'd as called?

Whether ever any Act of Parliament did pass and in what Reign, to take away the right which the Clergy prescribe to of meeting in Synod, and of being framed into a Body by the choice of a Prolocutor, whenever a Parliament is called; and whether the Church hath not the benefit of a Minor in point of claim, notwithstanding any little neglect, or interruption of enjoyment?

Whether an ancient Right is capable of being wholly laid aside by the means of Parties differing about circumstantial, and through forgetfulness or want of Act-Books and Journals destroy'd in the Fire of London, disagreeing about forms; and whether to make the enjoyment of a privilege to be precarious and become matter of favour, and as what may be refused, though claimed, doth not make it lose the very Essence and Nature of Right?

Hath there ever any Act of Parliament or of Convocation been pass'd, since the Act of Submission 25 of Hen. 8, or since the Year 1536 whereby the L. Clergy are restrain'd in any privilege they in that Year enjoy'd? and if not then may not the Clergy now as well as then, begin business in their own House, without being directed, required, or empower'd, either by Royal License or by the President of the Convocation? may they not now both frame and present their Opinions of false Doctrines and ill Principles, spread abroad in the World and openly profess'd in Print? Did not the Clergy of the L. H. in 1536, when the Præmunire which they paid so dear for, and their Act of Submission (made but three Years before) was still fresh in their Memory, take upon them to send to the U. H. a Collection of Opinions under the title of *mala dogmata*, which they thought were *abuses and errors worthy of reformation*; which being 67 in number are all set down at length in Fuller's Church History, pag. 208? and

Dr. Burnet in his History, Vol. 1. p. 214. tells us the last Articles contained sharp reflections on some of the Bishops as if they had been wanting in their duty to suppress such things, and he adds, *this was clearly levell'd at Cranmer, Latimer, and Shaxton, who were noted as the great Promoters of these Opinions*; Now as it cannot be suppos'd that the preparing these Opinions, and the presenting them should be owing to any direction they receiv'd for it from the President, whom they reflected upon, or from a Royal License; so neither durst they have offer'd to do any thing like what they did, if it had been in any measure irregular, whilst they had to do with so great a Metropolitan, as Cranmer, who was at the same time a Favourite of a very Arbitrary Prince.

In the Account we have of this Transaction in Fuller, what the L. H. present is usher'd in with this title *The protestation of the Clergy of the L. H. within the Province of Canterbury, with declaration of the faults and abuses which heretofore have and now be within the same, worthy special Reformation*. And the last thing but one the Clergy protest against is this. 66 Item, *that where heretofore Books have been examin'd by Persons appointed in the Convocation, and the said Books found full of Heresie and erroneous Opinions, and so declared, the said Books are not yet by the Bishops expressly condemn'd, but suffer'd to remain in the hands of Unlearned People, which minister to them matter of argument and much unquietness within the Realm*.

Doth not this Protestation of the Clergy, relating to ill Books, shew that a Convocation may be of some use in the present Age, if it were only with respect to the licentiousness of the Press, in matters of Religion? and were not the L. Clergy in the late Convocation sufficiently cautious and upon the reserve and guard, when they only deliver'd an ill Book to his Grace call'd *Christianity not Mystrious*, and pointed out a few passages in it, which they apprehended to be against the truth of Christian Religion, neither pretending to censure nor desiring it to be censur'd in a judicial way, but only to have the satisfaction

faction of their Lordships concurrence in point of Judgment and advice, where and after what manner to apply for redress. And when (not discouraged by the Answer they receiv'd) they further complain'd of an Exposition of the 39 Articles avowedly publish'd by a Bishop of the Province they belong'd to, which they could not but apprehend to be in many things, rather against, than in favour of the establish'd Religion, had they not some cause to suspect that the Author had too great an influence on the U. H. in screening *Toland*, lest he should be complain'd of next, as he had reason to believe he should, and as notwithstanding the discouragement given upon the first attempt it prov'd?

If this was not the case, is there not just reason to suspect, that the Council learned in the Law that advis'd his Grace and their Lordships to the Answer they gave, were unwilling to suppose a power lodged in the Clergy to present the *mala dogmata* of the Age they live in, lest some Opinions of their own might have their turn and come to be found fault with in Convocation?

The foregoing Questions for the most part bordering upon the Law, wherein the advice of Council Learned in the Law may be proper, come we now to matters meerly Convocational, and to what relates to form.

Is it reasonable that an ancient right founded upon express words, shall be over-ruled by meer conjecture and supposition? as for Instance, if it appears by Act-Books, and Journals, 1586, 1588 and by the Minutes of two Convocations in 1640, that the Prolocutor adjourn'd the Lower House (as being the mouth of that Body, and declaring the Majority of Suffrage whereby any thing is done) or the House adjourn'd it self. *Dominus Prolocutor continuavit* or *Dominus Prolocutor prorogavit hanc Convocationem* or *Dominus Prolocutor intimavit, declaravit, significavit continuatam esse*, or *Domini Continuarunt* as is the Phrase throughout the last Convocation in 1640. And if this Phrase of *Domini Continuarunt*, that is, the Persons then Acting and doing business (as is acknowledged on all hands and appears beyond all con-

tradition) and also the Phrase of *Dominus Prolocutor Continuavit* may be traced down to Bishops *Stillington*'s time, and was us'd by so exact and accurate and knowing a Man, and one that had been a Member of Convocation many years; if words are thus plain and express, shall an Objection that the Phrase of *intimavit* is also often us'd, amount to a proof, that adjourning the Lower House is the Act of the Archbishop, and not the Act of those whose Suffrage the Prolocutor is to declare, or intimate in order to their being dismiss'd; or shall the Archbishop's right to adjourn the L. H. be imagin'd to be plain, and indisputable, because the Schedule whereby the Archbishop hath immemorially adjourn'd in the Upper House, hath been of late either brought by a Commissary, into the Lower House, or sent thither to the Prolocutor, or because the Prolocutor hath been sent for up to receive it, in order to let the Lower Clergy know the Day and Hour when they are to meet again?

8. Is there any one Instance of the Archbishop himself, or of his Commissary, or Register, ever coming into the L. House to adjourn, before *Hen. 7th's* Chappel came to be left to the Lower Clergy to sit in, (which must be allow'd to be too modern a thing to amount to a precedent) and was not therefore the Bishop of *Peterborough's* coming the first day, and the Register's coming another day, with a Schedule to adjourn the Lower House to be lookt upon as innovations and trespasses upon the ancient rights of the Lower House, and just matter of Jealousie and complaint.

9. Does it any way appear, from any Act-Book or Journal, or from the Memory of ancient Members, be they Dr. *Hakon*, Dr. *Bull*, or Dr. *Beveridge*, that the Upper House Schedule was Executed in the Lower House, before the mistakes both Houses fell into, upon the Bishops changing their House and removing to *Jerusalem Chamber*, leaving the Lower Clergy to sit in *Hen. 7th's* Chappel?

10. Whether, supposing the modern practice of the U. H. Schedule, being brought to the L. H. could be made appear to be of any ancient standing, might it

not

not be, to save the Prolocutor the trouble, of being daily sent for up (as in all ancient Convocations we find he was) there to be told, when their Lordships intended to meet again, that the L. Clergy might not fail of being ready in their House to attend them, when called for, as they acknowledg it to be their duty at all times to do? may not the Prolocutor intimate the Day of their Lordships Adjournment from the Schedule, and yet the L. H. adjourning to that Day be their own Act?

II. Supposing it to be questionable whether the L. H. have ever regularly met Synodically upon intermediate days and have done business as a House and not as a Committee, when the U. H. hath not sat, doth it on the other hand ever appear by any one Instance, or Precedent whatsoever, that there was a like Occasion, if not necessity laid upon the L. H. to put this in practice as was in the last Convocation? that is, is there any one Instance to be found, throughout the Registers and Act-Books of so long Adjournments, as first for a Month and then for a Fortnight, when the Clergy from all parts of the Kingdom were attending in Town, and there was no Parliamentary Adjournment, or Prorogation, to occasion either the one or the other?

If it appears, that the L. Clergy's consent hath been thought needful, when sitting and acting in conjunction with the Bishops (be it before they were divided into two distinct Houses, or be it as join'd in a Royal Commission as in the case of *Ann of Cleve*) shall it not be as reasonable at least, that their consent shall be needful to the breaking of their debates, when they are not join'd with others so much superior to them, and are a distinct House, and in consultation by themselves, and doth not a power of putting a stop to a consultation in the midst, plainly render the right of consulting precarious, and what they may be debar'd of entirely, if the Archbishop shall think fit?

Can it be said to be the constant way of adjourning, in the Convocations of 1586, and 1588, (as is suggested though not affirm'd) by a Schedule, when there is not

the least proof that it ever was once practised?

Is there not just cause to suspect that *Calvin's Lexicon Juridicum* was writ in favour of the L. H. in making *intimare* to signify the same as *denunciare*? and are not all the *Civilians* on the same side as to the import of the word in their Law? and were not the formalists in the Council of *Trent* very partial in using the same Phrase so very often without the least sign of a deriv'd Authority imply'd thereby?

A good fair Answer to these Queries would come up very near to a full reply to your long Book; only there is one leaf stands by it self and is so placed in the Front, as if it expected to be thrown at; one Query therefore or two we must have with respect to that first Leaf, and I shall quickly have done.

Is it not unusual to find the Addenda, or Vouchers, in the first Leaf?

Hath it not been usually thought to be a hard task to prove a Negative? and will a publick Notaries hand signify any thing when he attests what no body denies, that there are 70 Mandates, in which the Clause in dispute is not found may be true; and yet at the same time it may be equally true, that this Clause is to be found in several Mandates; and if there be more than one wherein it is found within the compass of 400 Years upon some extraordinary Occasion (as you seem to suspect there may be) nay more than two, three, or four, (as will be found to be the case), will not this suffice to make good the expression, which this powerful attestation of a publick Notary is levell'd at, that *Dr. Kennet might have known that there are several such Mandates*? nor is the force of the Argument hence drawn for the power of the L. Clergy to adjourn themselves separately, weakened by your observation that the power thereby conveyed to the L. Clergy could be only the consenting to continuations; for doth not a power to consent to Adjournments imply a power also of dissent? and may it not follow from a power of consenting or not consenting, that though the L. H. are oblig'd to wait on the U. H. whenever they have occasion to say any thing to them,

them, and consequently must at all times be in a readiness, and capacity so to do, by not being absent at any time, but by taking care to be present, at the Day and Hour, to the which their Lordships are adjourn'd, if they are let to know it; Yet by not consenting to the Adjournment propos'd they may stay where they are, if they please, till that Day: what the Archbishops Act or Schedule imports with respect to the L. H. may be only the acquainting them what Day they shall be next expected to pay their attendance; but their being at present dismiss'd, and a stop put to the business of the L. H. and so as to remain in *statu quo* till such a time, may entirely depend upon the Votes and Suffrages of the L. H. only, when the Prolocutor counting or making a near guess at the Suffrages, and no one calling for a division, declares it as the Act of the Majority, which includes the whole, that they are adjourn'd to such a Day and Hour and Place, requiring 'em then and there to attend; this is to intimate in all respects; and reconciles all the different Phrases made use of in the L. H. with one another.

12. The last question I would desire to be resolv'd in is, whether it will not be a work of much more Service to the cause you have undertaken, to give a good fair and satisfactory account, of what Objections do naturally arise out of the foregoing relation of several matters of Fact, and the Subsequent Queries, than to go about to unravel the Narrative and to contradict matter of fact attested by so many Witnesses of undoubted reputation and Credit, and taken from Journals attested by a Publick Notary who is upon his Oath, and further confirmed by particular accounts taken by some of the Members from day to day before they slept, so as not easie to be mistaken? and yet this is part of the task you seem to have set your self in your Advertisement where you tell us what will be shortly in the Press.

If instead of a Satisfactory answer to the Objections against the Upper House's claim, which are couch'd under what you find in the foregoing sheets, you shall think fit to turn the Tables and put one Question to me instead of an Answer to any of mine, *viz.* How

if the Archbishop shall be advised not to let the Clergy frame themselves into a Body by the choice of a Prolocutor? What can they do, or how will they help themselves? my answer is first, that I will not believe the Archbishop will suffer himself to be so advised till I see it; but secondly should it so prove (as we hope it will not) we have long since been taught what to do in all Cases of the like kind where we have to do with those that are in Authority; we have not totally forgot or renounced the Doctrine of Passive Obedience, which though not yet struck out of our Homilies, which we continue to subscribe in one of our Articles, some very needlessly and through wrong Notions of the late Revolution have disclaimed; When we are ill dealt with by such as are our Superiours we may complain, and seek redress in an humble manner, but if not hearken'd to we have nothing more to do than for every one of us having enter'd our claim to lay his hand to his heart, and to say *liberavi animam meam*, I have done my part towards a retrieve of our Ecclesiastical Constitution, and nothing remains but to lament the fatal consequences of such a blow given to the establish'd Religion, as would be the loss of Convocations. We know what were the Weapons of the Primitive Christians in all such cases, to the which alone we ought to have recourse; the worse we are us'd the more we ought to pray for those that offer the injury or are the occasions of it, as they thereby stand so much the more in need of our Prayers; and thus we ought to shew that the old Church of *England* is in being still, and is ready to assert and put in Practice the Doctrine of Primitive Sufferers, and to express a hearty Zeal for the honour of the Church and of Religion according to their Example.

Not that Men can think themselves obliged to give wrong Names to things, and to call what they complain of favour; though they may judg Charitably, and impute to mistake those new Practisers, which tho' they may not be immediately destructive of the Constitution, may yet hereafter prove so, when it shall be too late to endeavour a retrieve.

But these are Melancholy thoughts and by your Sincere endeavours to promote an happy Union, you will very much oblige upon a Supposition of that which you may at least be highly Instrumental to prevent ;

SIR,

Dec. 18. 1701.

Your most-Humble Servant.

FINIS.

